



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,126	09/22/2000	Tatsushi Nashida	450101-02198	5640

20999 7590 07/10/2006

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,126

Applicant(s)

NASHIDA ET AL.

Examiner

Hai Tran

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 06/19/2006 have been fully considered in view of Applicant's translation document submitted claiming priority over White et al. (US 6804825), as such the previous Office Action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Alexander et al. (US 6177931).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 9, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin (US 5583560) further in view of MCGee et al. (US 6496228) and further in view of Alexander et al. (US 6177931).

Regarding claim 1, Florin discloses an information providing apparatus (Fig. 1-2, element 54) for displaying information on a screen (Fig. 6-50), based on information data provided through a plurality of information sources (Fig. 1, elements 50, 56, 57), characterized by comprising:

Means 67 for obtaining (1st) index information (television program listing; Col. 2, lines 53-59; Col. 10, lines 61-65+) from a 1st information source 50 of the plurality of information sources;

means 69 for obtaining (2nd) index information (i.e., listing of all programs recorded on the VCR; Col. 16, lines 40-50) from a 2nd information source (i.e., VCR 56) of the plurality of information sources;

means (TV 58) for displaying a categorized menu on the screen (Fig. 22-35 menu of icons/still images; Col. 3, lines 13-21 and Col. 20, lines 51-65), based on the obtained (1st and 2nd) index information from the 1st and 2nd information (Col. 20, lines 28-31); and

means (Fig. 3, element 63) for obtaining necessary information from the 1st or 2nd information source, in response to selection operation on the menu screen, and for displaying information based on the necessary information (Fig. 33, elements 380, 375 Col. 20, lines 34-50).

Wherein the menu screen is arranged to display the information in a plurality of dimensions (two-dimensional icons) and levels (plurality of sub-menu; i.e., user select icon 315 of Fig. 28; in which the screen display the second level of sub-menu 360) such that a substantial portion of the necessary information (el. 360 or 300) can be seen and navigated on a minimum number of screens to enable relatively easy programming decisions and selections.

Florin does not clearly disclose, "wherein the 1st index information includes representative information indicating scene changes in the information data provided

through the 1st information source, wherein the representative information indicating scene changes is captured and output to the 1st information source for recordal, and wherein the representative information is recorded at the 1st information source prior to obtaining the 1st index information.”

McGee discloses wherein the 1st index information includes representative information indicating scene changes in the information data provided through the 1st information source, wherein the representative information indicating scene changes is captured and output to the 1st information source for recordal, and wherein the representative information is recorded at the 1st information source prior to obtaining the 1st index information (Col. 3, lines 33-65+ and Col. 15, lines 25-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin with McGee so to provide to user a system which will create a visual index in a useable form of video source which was previously recorded or while being recorded in which the user could browse, navigate through the visual index by either Fast Forward through the source video or play the source video from the visual index to the selected key frame, as suggested by Mc Gee (Col. 15, lines 64-67).

Florin in view of McGee does not disclose “means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable a priory in accordance with the history.”

Alexander, in a similar art, discloses "means for recording a history of programs watched and heard by a user, and controlling the display of information such that a favorite channel of the user is displayed to be selectable a priory in accordance with the history." (Col. 16, lines 36-50; Col. 28, lines 30-67; and Col. 30, lines 38-Col. 31, lines 8;). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin in view of MCGee by creating user history in monitoring user selection of TV programming, as taught by Alexander, so to improve viewer interaction capabilities with the EPG in using user profile/history information to customize various aspect of the EPG (Col. 2, lines 1-20), as suggested by Alexander.

Regarding claim 2, Florin further discloses wherein the necessary information is index information (i.e., EPG program information; Col. 10, lines 61-66 with channel number provided from the service provider 50) for displaying the categorized menu (Col. 15, lines 17-40).

Regarding claim 3, Florin further discloses that the index information from the 1st information source 52 (Fig. 2; television program listing) is obtained through the network 52 of Fig. 1 (Col. 2, lines 53-59 and Col. 10, lines 45-65+).

Regarding claim 4, method claim 4 is analyzed with respect to apparatus claim 1.

Regarding claim 5, Florin further discloses wherein the necessary information is index information (i.e., EPG program information; Col. 10, lines 61-66 with channel number provided from the service provider 50) for displaying the categorized menu (Col. 15, lines 17-40).

Regarding claim 6, Florin further discloses that the index information from the 1st information source 52 (Fig. 2; television program listing) is obtained through the network 52 of Fig. 1 (Col. 2, lines 53-59 and Col. 10, lines 45-65+).

Regarding apparatus claim 7 and method claim 8, Florin further discloses wherein the minimum number of screens is one (Fig. 22-35).

Regarding claims 9 and 13, McGee further discloses wherein the 1st index information includes a plurality of still images indicating scene changes in the information data provided through the information source (Col. 5, lines 1-13; Col. 10, lines 1-Col. 12, lines 13).

Claim 18 is analyzed with respect to claim 1.

2. Claims 10-12, 14,15-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin (US 5583560) further in view of MCGee et al. (US 6496228), and further in view of Alexander et al. (US 6177931) and further in view of Hatori et al. (US 5977974).

Regarding claims 10, 11, 12, 14, 15, 16 and 17, Florin in view of McGee and Alexander does not disclose displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series, and wherein the plurality of still images includes arranging the plurality of still images in a spiral layout, in increasingly smaller size toward the center of the spiral layout; controlling and moving the plurality of still images in the spiral layout, such that as more temporally current still images come into view on the outermost arm of the spiral layout, temporally older still images move spirally inward toward the center of the spiral layout.

Hatori discloses displaying the plurality of still images in a temporal sequence so that relationships among the plurality of still images can be view in time series (Col. 19, lines 40-65+), and wherein the plurality of still images includes arranging the plurality of still images in a spiral layout, in increasingly smaller size toward the center of the spiral layout; controlling and moving the plurality of still images in the spiral layout, such that as more temporally current still images come into view on the outermost arm of the spiral layout, temporally older still images move spirally inward toward the center of the spiral layout (Col.20, lines 1-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Florin in view of McGee and Alexander with Hatori' s EPG that displays plurality of still images arranged in a spiral layout so user can easily have a sense of time intervals or depth in which the user can intuitively have a sense of temporal order (Col. 2, lines 38-53).

Claim 19 is further analyzed with respect to claims 9 and 10.

Claim 20 is further analyzed with respect to claim 11.

Claim 21 is further analyzed with respect to claim 12.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
06/30/2006


**HAI TRAN
PRIMARY EXAMINER**